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Sub-section (d) of section eight is hereby repealed and the following substituted therefor:

(d) If the leader of a herring trap-net extends from the shore, any fishery officer may determine in writing or orally the length of the leader that shall be used.

Sub-section nine of section five (added):

Upon any inhabitant of the United States fishing with trap-nets in Canadian waters in the exercise of his liberties under the treaty of 1818 applying for a berth site under the licensing provisions, such a license shall be issued in the usual course for any unoccupied berth site selected by the applicant upon payment of the regular fee in consideration of the exclusive use of such site, subject to the usual rules and regulations.

Clause (f) of sub-section one of section eight (added):

Upon any inhabitant of the United States fishing with trap-nets in Canadian waters in the exercise of his liberties under the treaty of 1818 applying for a berth site under the licensing provisions, such a license shall be issued in the usual course for any unoccupied berth site selected by the applicant upon payment of the regular fee in consideration of the exclusive use of such site, subject to the usual rules and regulations.

January 14, 1911.

PHILANDER C KNOX
JAMES BRYCE
L P BRODEUR
A B AYLESWORTH
CHANDLER P. ANDERSON

[Translation.]

ADDITIONAL PROTOCOL TO THE CONVENTION RELATIVE TO THE ESTABLISHMENT OF AN INTERNATIONAL COURT OF PRIZE.

Signed at The Hague, September 19, 1910.

Germany, the United States of America, the Argentine Republic, Austria-Hungary, Chile, Denmark, Spain, France, Great Britain, Japan, Norway, the Netherlands, Sweden, Powers signatory to the Hague Convention dated October 18, 1907, for the establishment of an international court of prize,¹ considering that for some of these Powers difficulties of a

¹ SUPPLEMENT, 2:174.

constitutional nature prevent the acceptance of the said convention, in its present form, have deemed it expedient to agree upon an additional protocol taking into account these difficulties without jeopardizing any legitimate interest and have, to that end, appointed as their plenipotentiaries, to wit:

Germany: His Excellency F. de Müller, envoy extraordinary and minister plenipotentiary at The Hague.

The United States of America: James Brown Scott.

The Argentine Republic: His Excellency Alejandro Guesalaga, envoy extraordinary and minister plenipotentiary at The Hague.

Austria-Hungary: Baron E. de Gudenus, chargé d'affaires ad interim at The Hague.

Chile: His Excellency F. Puga Borne, envoy extraordinary and minister plenipotentiary at Paris.

Denmark: J. W. de Grevenkop Castenkkjold, minister resident at The Hague.

Spain: His Excellency Jose de la Rica y Calvo, envoy extraordinary and minister plenipotentiary at The Hague.

France: His Excellency Marcellin Pellet, envoy extraordinary and minister plenipotentiary at The Hague.

Great Britain: His Excellency Sir George W. Buchanan, G. C. V. O., K. C. M. G., C. B., envoy extraordinary and minister plenipotentiary at The Hague.

Japan: His Excellency Aimaro Sato, envoy extraordinary and minister plenipotentiary at The Hague.

Norway: His Excellency G. F. Hagerup, envoy extraordinary and minister plenipotentiary at The Hague.

The Netherlands: His Excellency Jonkheer R. de Marees van Swinderen, minister of foreign affairs.

Sweden: His Excellency Count J. J. A. Ehrensvärd, envoy extraordinary and minister plenipotentiary at The Hague.

Who, after depositing their full powers, found to be in good and due form, have agreed upon the following:

ARTICLE 1.

The Powers signatory or adhering to the Hague convention of October 18, 1907, relative to the establishment of an international court of prize, which are prevented by difficulties of a constitutional nature from accepting the said convention in its present form, have the right to declare in

the instrument of ratification or adherence that in prize cases, whereof their national courts have jurisdiction, recourse to the international court of prize can only be exercised against them in the form of an action in damages for the injury caused by the capture.

ARTICLE 2.

In the case of recourse to the international court of prize, in the form of an action for damages, Article 8 of the convention is not applicable; it is not for the court to pass upon the validity or the nullity of the capture, nor to reverse or affirm the decision of the national tribunals.

If the capture is considered illegal, the court determines the amount of damages to be allowed, if any, to the claimants.

ARTICLE 3.

The conditions to which recourse to the international court of prize is subject by the convention are applicable to the action in damages.

ARTICLE 4.

Under reserve of the provisions hereinafter stated the rules of procedure established by the convention for recourse to the international court of prize shall be observed in the action in damages.

ARTICLE 5.

In derogation of Article 28, paragraph 1, of the convention, the suit for damages can only be brought before the international court of prize by means of a written declaration addressed to the International Bureau of the Permanent Court of Arbitration; the case may even be brought before the bureau by telegram.

ARTICLE 6.

In derogation of Article 29 of the convention the International Bureau shall notify directly, and if possible by telegram, the government of the belligerent captor of the declaration of action brought before it.

The government of the belligerent captor, without considering whether the prescribed periods of time have been observed, shall, within seven days of the receipt of the notification, transmit to the International Bureau the case, appending thereto a certified copy of the decision, if any, rendered by the national tribunal.

ARTICLE 7.

In derogation of Article 45, paragraph 2, of the convention the court rendering its decision and notifying it to the parties to the suit shall send directly to the government of the belligerent captor the record of the case submitted to it, appending thereto a copy of the various intervening decisions as well as a copy of the minutes of the preliminary proceedings.

ARTICLE 8.

The present additional protocol shall be considered as forming an integral part of and shall be ratified at the same time as the convention.

If the declaration provided for in Article 1 hereinabove is made in the instrument of the ratification, a certified copy thereof shall be inserted in the *procès verbal* of the deposit of ratifications referred to in Article 52, paragraph 3, of the convention.

ARTICLE 9.

Adherence to the convention is subordinated to adherence to the present additional protocol.

In faith of which the plenipotentiaries have affixed their signatures to the present additional protocol.

Done at The Hague on the 19th day of September, 1910, in a single copy, which shall remain deposited in the archives of the Government of the Netherlands and of which duly certified copies shall be forwarded through diplomatic channels to the Powers designated in Article XV of the convention relative to the establishment of an international court of prize of October 18, 1907, and in its appendix.

For Germany:

F. DE MÜLLER.

For United States of America:

JAMES BROWN SCOTT.

For the Argentine Republic:

ALEJANDRO GUESALAGA.

For Austria-Hungary:

BARON ERWEIN GUDENUS.

For Chile:

F. PUGA BORNE.

For Denmark:

W. GREVENKOP CASTENSKJOLD.

For Spain:

JOSÉ DE LA RICA Y CALVO.

For France :

MARCELLIN PELLET.

For Great Britain :

GEORGE W. BUCHANAN.

For Japan :

AIMARO SATO.

For Norway :

F. HAGERUP.

For the Netherlands :

R. DE MAREES VAN SWINDEREN.

For Sweden :

ALBERT EHRENSVÄRD.

RESOLUTION OF THE SENATE OF THE UNITED STATES ADVISING AND CONSENTING TO THE RATIFICATION OF THE INTERNATIONAL PRIZE COURT CONVENTION AND ADDITIONAL PROTOCOL.

In Executive Session, Senate of the United States.

February 15, 1911.

Resolved (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the convention for an International Prize Court, signed at The Hague on the 18th day of October, 1907, and at the same time to the ratification, as forming an integral part of the said convention, of the protocol thereto, signed at The Hague on the 19th day of September, 1910, and transmitted to the Senate by the President on the 2d day of February, 1911. Provided, that it is the understanding of the Senate and is a condition of its consent and advice that in the instrument of ratification the United States of America shall declare that in prize cases recourse to the International Court of Prize can only be exercised against it in the form of an action in damages for the injuries caused by the capture.

Attest :

CHARLES G. BENNETT

Secretary.

By

HENRY H. GILFRY

Chief Clerk.